

20203. Adulteration of canned oysters. U.S. v. E. A. Smith Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 26661. I.S. no. 24951.)

This action was based on the shipment of a quantity of oysters that were found to contain added water.

On October 21, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the E. A. Smith Corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 18, 1931, from the State of Maryland into the State of North Dakota, of a quantity of oysters that were adulterated. The article was labeled in part: (Box) "E. A. Smith & Company Smith's Baltimore Oysters."

It was alleged in the information that the article was adulterated in that an added substance, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and had been substituted in part for the said article.

On October 21, 1932, a plea of guilty to the information was entered on behalf of the defendant, and the court imposed a fine of \$25 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20204. Misbranding of prepared mustard and cider vinegar. U.S. v. Benjamin W. Kaplan (National Grocers Sundries Co.). Plea of guilty. Fine, \$50. (F. & D. no. 27504. I.S. nos. 25016, 25460.)

This action was based on the shipment of a quantity of prepared mustard and cider vinegar, samples of each of which were found to be short of the declared weight.

On February 27, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Benjamin W. Kaplan, trading as National Grocers Sundries Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, in part on or about March 11 and May 1, 1931, from the State of Missouri into the State of Illinois, of quantities of prepared mustard and of cider vinegar, respectively, which were misbranded. The articles were labeled in part: (Jars) "Watermill Brand Pure Prepared Mustard Net Contents 15 Oz. Packed for Hy. Borgsmiller & Sons Murphysboro, Ill."; (bottles) "Jockey Club Brand Net Wt. 13 Oz. Reduced Cider Vinegar * * * Packed by National Gro. Sun'd. Co. St. Louis, Mo."

It was alleged in the information that the articles were misbranded in that the statements, "Net Contents 15 Oz.", and "Net Wt. 13 Oz.", borne on the respective labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the jars and bottles contained less than represented.

On October 27, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20205. Adulteration of canned salmon. U.S. v. Altoona Packing Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 27553. I.S. nos. 12618, 22960, 22961, 22963.)

This action was based on the interstate shipment of quantities of canned salmon, samples of which were found to be tainted or stale.

On June 28, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Altoona Packing Co., a corporation, Altoona, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, in part on or about September 12, 1931, and in part on or about October 2, 1931, from the State of Washington into the State of Oregon, of quantities of canned salmon that was adulterated. A portion of the article was labeled in part: "Altoona Brand Salmon * * * Packed by Altoona Packing Company, Altoona, Wash. Selected Fancy Columbia River Spring Chinook Salmon." The remainder of the article was labeled in part: "Odiva Fancy Columbia River Salmon * * * Packed by Altoona Packing Co. Altoona, Wash."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On October 24, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20206. Adulteration of canned salmon. U.S. v. Robert John Peratovich (Bayview Packing Co.). Plea of guilty. Fine, \$50. (F. & D. no. 27546. I.S. nos. 22352, 22354, 22355.)

This action was based on shipments of canned salmon, samples of which were found to be tainted or stale.

On July 11, 1932, the United States attorney for the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Robert John Peratovich, trading as Bayview Packing Co., at Klawock, Territory of Alaska, alleging shipment by said defendant, in violation of the Food and Drugs Act, in part on or about August 16, 1931, and in part on or about August 24, 1931, from the Territory of Alaska into the State of Washington, of quantities of canned salmon that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On October 4, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20207. Adulteration and misbranding of shipstuff with screenings. U.S. v. Shenandoah Milling Co., Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 25734. I.S. no. 3978.)

This action was based on the interstate shipment of a quantity of feed described as shipstuff with screenings, which contained less protein and fat than labeled. The net weight of the article was not properly declared on the label.

On June 1, 1931, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Shenandoah Milling Co., Inc., a corporation, Shenandoah, Va., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about September 26, 1930, from the State of Virginia into the State of North Carolina, of a quantity of the said shipstuff with screenings that was adulterated and misbranded. The article was labeled in part: (Tag) "100 Lbs. Net Weight When Packed Shipstuff With Screenings Not Exceeding Mill Run Crude Protein 16.00 per ct. Crude Fat 4.00 per ct. * * * Manufactured by Shenandoah Milling Company, Inc., Shenandoah, Virginia."

It was alleged in the information that the article was adulterated in that a feeding substance, shipstuff and screenings containing less than 16 percent of crude protein and less than 4 percent of crude fat, had been substituted for the said article.

Misbranding was alleged for the reason that the statements, "Crude Protein 16.00 per ct." and "Crude Fat 4.00 per ct.", borne on the tag, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser; since it contained less than 16 percent of crude protein and less than 4 percent of crude fat. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "100 Lbs. Net Weight When Packed", appearing on the tag, was not a statement of the quantity of the contents of each of the respective sacks, but was a statement having reference to a former time, namely, when the article was packed.

On October 31, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20208. Misbranding of middlings and screenings. U.S. v. Gwinn Milling Co. Plea of guilty. Fine, \$170. (F. & D. no. 26653. I.S. nos. 18353, 18354, 18355, 18361.)

This action was based on the shipment of quantities of a product represented to be wheat middlings with screenings containing 16 percent of protein. Samples taken from each shipment were found to contain an undeclared corn product, and to have a protein content of less than 16 percent.